

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MALCOLM STAFFORD,

Plaintiff,

vs.

1:25-cv-00038-JMR

CAROLYN W. COLVIN, Acting Commissioner  
of the Social Security Administration,

Defendant.

**ORDER GRANTING MOTION TO PROCEED  
IN FORMA PAUPERIS AND DIRECTING SERVICE**

THIS MATTER comes before the Court upon Plaintiff's Motion to Proceed in Forma Pauperis with Financial Affidavit Pursuant to 28 U.S.C. § 1915. Doc. 2. The Court, having considered the motion, finds the motion well-taken and will GRANT it.

The statute for proceedings in forma pauperis, 28 U.S.C. § 1915(a), provides that the Court may authorize the commencement of any suit without prepayment of fees by a person who submits an affidavit that includes a statement of all assets the person possesses and that the person is unable to pay such fees.

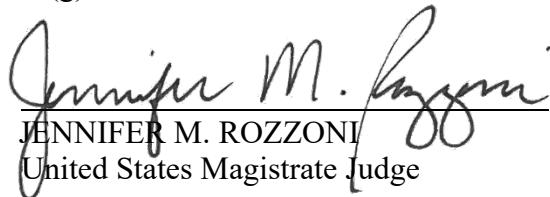
When a district court receives an application for leave to proceed in forma pauperis, it should examine the papers and determine if the requirements of [28 U.S.C.] § 1915(a) are satisfied. If they are, leave should be granted. Thereafter, if the court finds that the allegations of poverty are untrue or that the action is frivolous or malicious, it may dismiss the case[.]

*Ragan v. Cox*, 305 F.2d 58, 60 (10th Cir. 1962). “The statute [allowing a litigant to proceed in forma pauperis] was intended for the benefit of those too poor to pay or give security for costs . . .” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 344 (1948). While a litigant need not be “absolutely destitute,” “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents

with the necessities of life.” *Id.* at 339.

The Court grants Plaintiff’s Motion to Proceed in Forma Pauperis (Doc. 2). Plaintiff signed an affidavit stating he is unable to pay the costs of these proceedings and provided the following information: (i) Plaintiff’s monthly income is \$2,523.44; (ii) Plaintiff’s monthly expenses total \$2,254.00; and (iii) Plaintiff has \$30.00 in a bank account. The Court finds that Plaintiff is unable to pay the costs of this proceeding because he signed an affidavit stating he is unable to pay the costs of this proceeding and because his monthly income only slightly exceeds his monthly expenses.

IT IS THEREFORE ORDERED that this action is authorized to proceed without the prepayment of the filing fee, costs, or security therefore, pursuant to 28 U.S.C. § 1915. The Clerk of Court is directed to transmit the required Notice pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. 405(g).



JENNIFER M. ROZZONI  
United States Magistrate Judge